IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT APPEAL No. 845 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-04-2005 in WP No. 4353 OF 2005 on the file of the High Court.)

Between:

1. B. Nageswara Rao, S/o. Late Rayudaiah,
R/o. Moddulagudem Village, Dammapeta Mandal, Khammam District.
2. B. Vasantha Rao, S/o. Late Rayudaiah,
R/o. Moddulagudem Village, Dammapeta Mandal, Khammam District.

..... APPELLANTS/

Petitioners.

AND

1. The District Collector, Khammam District, Khammam.
2. The Mandal Revenue Officer, Dammapeta Mandal, Khammam District.
3. The Special Deputy Collector (TW), Bhadrachalam, Khammam District.

.....RESPONDENTS

Counsel for the Appellants: Mr. Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for the parties.

This is an appeal filed against the order of the learned Single Judge passed in Writ Petition No. 4353 of 2005. The allegations were that certain land changed hands after coming into operation of Regulation 1 of 1970, which prohibits alienation of land to a non-tribal. The case of the appellants is that they were never called by the competent authority in the matter though they were the owners of the land and they had become owners much before coming into operation of Regulation 1 of 1970.

The learned counsel for the respondents submits that one of the brothers of the appellants was a party. He attended the Court on various occasions, but, did not attend on 4.12.2004 and did not adduce any evidence.

The learned counsel for the appellants submits that their brother has no interest in the property as the property had been purchased by their father and it was partitioned and the property had fallen to the share of the appellants. Therefore, Rules of Natural Justice have been violated as the order by the competent authority was passed without hearing them.

Without going into the merits of the case, we feel that the appellants should have been summoned by the Special Deputy Collector before passing of the order. For this reason alone, we set aside the order of the Special Deputy Collector and also set aside the order of the learned Single Judge, and, remand the case back to the Special Deputy Collector (TW), Bhadrachalam, Khammam District, who may pass fresh orders after hearing the appellant-writ petitioners. The Writ Appeal and the Writ Petition are accordingly disposed of. No costs.

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BILAL NAZKI, ACJ.

19.4.2005.

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Dr. G.YETHIRAJULU, J.

VR.

To

1. The District Collector, Khammam District, Khammam.
2. The Mandal Revenue Officer, Dammapeta Mandal, Khammam District.
3. The Special Deputy Collector (TW), Bhadrachalam, Khammam District.

4. Two CCs to Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

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